

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

SRI INTERNATIONAL, INC., a California  
Corporation,

Plaintiff and  
Counterclaim-Defendant,

v.

INTERNET SECURITY SYSTEMS, INC.,  
a Delaware corporation, INTERNET  
SECURITY SYSTEMS, INC., a Georgia  
corporation, and SYMANTEC  
CORPORATION, a Delaware corporation,

Defendants and  
Counterclaim-Plaintiffs.

C. A. No. 04-1199 (SLR)

**JOINT MOTION FOR RULE 54(b) CERTIFICATION**

On October 17, 2006, the Court granted defendants Internet Security Systems, Inc., a Georgia corporation, Internet Security Systems, Inc., a Delaware corporation, and Symantec Corp.'s (collectively, the "Defendants") motion for summary judgment that each of the four patents-in-suit in this action is invalid. D.I. No. 471. On October 27, 2006, the Court entered judgment in favor of the Defendants and against plaintiff SRI International, Inc. ("SRI"). D.I. No. 473.

While SRI's claims for infringement and the Defendants' counterclaims for declaratory judgment of non-infringement and inequitable conduct are technically still pending, the parties believe that sound judicial administration and efficiency will be served by an appellate consideration of the invalidity issues set forth in the Court's October 17, 2006 Memorandum Opinion granting summary judgment. The parties respectfully request that the Court grant certification pursuant to Rule 54(b) of the Federal Rules of Civil Procedure by making an "express determination that there is no just reason for delay," and "an express direction for the entry of judgment" in favor of the

Defendants on their counter-claims for declaratory judgment that the patents-in-suit are invalid. The parties request that the Court enter Rule 54(b) judgment for the purpose of rendering a final judgment appealable to the Federal Circuit. *See Nystrom v. Trex Co., Inc.*, 339 F.3d 1347, 1351 (Fed. Cir. 2003).

Dated: December 15, 2006

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